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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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ELIAS LATOUR,

Plaintiff,

v.

DESERET FIRST CREDIT UNION,

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:19-cv-450-JNP-PMW

District Judge Jill N. Parrish

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Plaintiff Elias Latour sued Deseret First Credit Union (“Deseret”), proceeding pro se. Deseret filed a motion to dismiss for failure to state a claim upon which relief may be granted. [Docket 2]. Mr. Latour filed a motion for summary judgment. [Docket 9]. Magistrate Judge Warner issued a Report and Recommendation that Deseret’s motion to dismiss be granted, that Mr. Latour’s motion for summary judgment be denied, and that the action be dismissed with prejudice. [Docket 12]. Judge Warner notified Mr. Latour that a failure to file a timely objection to his recommendation could waive any objection to it. Mr. Latour did not file an objection within the allotted time.

Because Mr. Latour did not object to the Report and Recommendation, he waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

According, the court ORDERS as follows:

1. The Report and Recommendation, [Docket 12], is ADOPTED IN FULL.
2. The motion to dismiss filed by Deseret First Credit Union, [Docket 2], is GRANTED.
3. The motion for summary judgment filed by Elias Latour, [Docket 9], is DENIED.
4. This action is DISMISSED WITH PREJUDICE.

Signed March 20, 2020

BY THE COURT



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Jill N. Parrish  
United States District Court Judge